



# Public Notice

US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

Public Notice Number: 199650012

Date: October 27, 2000

Comments Due: November 27, 2000

In reply, please refer to the Public Notice Number

## TO WHOM IT MAY CONCERN:

**SUBJECT:** The District Engineer, Corps of Engineers, Sacramento District proposes to reissue Regional General Permit 31 for a period of five years under the authority of Section 404 of the Clean Water Act. This general permit authorizes certain discharges of dredged or fill material associated with the solar extraction of minerals at existing extraction operations on the Great Salt Lake and Sevier Lake.

**APPLICANT:** General Public

**LOCATION:** Those portions of Salt Lake, Tooele, Weber, and Box Elder Counties, Utah adjacent to the Great Salt Lake and those portions of Millard County, Utah adjacent to Lake Sevier.

**PURPOSE:** As described below, this general permit authorizes certain discharges of dredged or fill material associated with existing solar extraction operations that harvest minerals from the waters of the Great Salt Lake and Lake Sevier.

**PROJECT DESCRIPTION:** Discharges associated with the following activities will be considered for authorization under the reissued general permit: raising and widening existing dikes; new dike construction within the confines of previously existing dikes; dike repair and stabilization work; construction and maintenance of drainage canals and feeder ditches; construction of pump stations and auxiliary buildings; and stockpiling salt during harvesting. **All discharges authorized under the reissued general permit will be confined to those areas lying within existing dike systems. Proposed discharges associated with expanding solar ponds lakeward of existing dikes or into other waters of the United States outside of the existing diked areas will not be authorized by this general permit.**

**ADDITIONAL INFORMATION:** Certification of this reissuance, according to Section 401 of the Clean Water Act, has been requested from the Utah Division of Water Quality. The Division of Water Quality intends to issue certification, provided that work authorized under this general permit will not violate applicable water quality standards. Projects are usually certified where the work may create diffuse sources (nonpoint sources) of wastes which will occur only during the actual construction activity and where best management practices will be employed to minimize pollution effects. Written comments on water quality certification should be submitted to Mr.

William Moellmer, Ph.D., Utah Division of Water Quality, 288 North 1460 West, Salt Lake City, Utah 84114 on or before November 27, 2000.

No cultural resources are known to occur in the areas covered by this general permit. Should unknown cultural resources be identified during work authorized by this general permit, a special condition attached to all authorizations will require that the authorized work be halted and the Corps of Engineers notified so that the significance of the cultural resources can be determined.

No known threatened or endangered species or their critical habitat occur in the area covered by this general permit. Should potential impacts be identified at a later date, a special condition attached to all authorizations will require that the authorized work be halted and the Corps of Engineers notified so that the significance of the potential impacts can be identified.

Interested parties are invited to submit written comments on or before November 27, 2000. Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this reissuance. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The decision to reissue this general permit or to allow it to expire will be based on an evaluation of the probable impacts of work to be completed under this general permit, including an assessment of the cumulative impacts of any authorized activities on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

This general permit will not be reissued if the public interest review determines that the types of discharges to be authorized under this general permit, individually or cumulatively, do not comply with the Environmental Protection Agency's Section 404(b)(1) Guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, this general permit will be reissued unless the District Engineer determines it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed action. Any comments received will be considered by the Corps of Engineers to determine whether to reissue, modify or condition the general permit or to allow it to expire. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written comments regarding the proposed reissuance of this general permit should be submitted to Anthony Vigil, U.S. Army Engineer District, Sacramento, Utah Regulatory Office, 1403 S. 600 W. Suite A; Bountiful, Utah 84010. For further information, please contact Mr. Vigil at telephone number (801)295-8380.

Michael J. Walsh  
Colonel, Corps of Engineers  
District Engineer

Enclosures: RGP number GP 31

## DEPARTMENT OF THE ARMY PERMIT

Permittee: General Public

Permit Number: Regional General Permit number GP-031

Issuing Office: U.S. Army Engineer District, Sacramento  
Corps of Engineers  
1325 "J" Street  
Sacramento, California 95814-2922

Note: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

### Project Description:

Certain work, structure, discharges of dredged or fill material associated with the solar extraction of minerals around the Great Salt Lake in Salt Lake, Tooele, Weber, and Box Elder Counties, and Sevier Lake in Millard County, Utah. Discharges associated with the following activities are authorized: raising and widening existing dikes, new dike construction within the confines of previously existing dikes, dike repair and stabilization work, construction and maintenance of drainage canals and feeder ditches, construction of pump stations and auxiliary buildings, and stockpiling salt during harvesting. **All discharges will be confined to those areas lying within existing dike systems. Discharges associated with expanding solar ponds lakeward of existing dikes, into other waters of the United States landward of existing dikes, or into other waters of the United States outside the existing diked areas are not authorized by this general permit.**

### Project Location:

Those portions of Salt Lake, Tooele, Weber, and Box Elder Counties, Utah adjacent to the Great Salt Lake and those portions of Millard County, Utah adjacent to Lake Sevier.

### Notification Procedures:

Those proposing to do work under this general permit are required to notify the Corps of Engineers at least 30 days prior to beginning construction. This notification will include the name, address, and telephone number of the party responsible for the work, a project description (either written or plan drawings), and a location map. This notification should be sent to the Utah Regulatory Office, U.S. Army Corps of Engineers, 1403 S. 600 W. Suite A, Bountiful, Utah 84010.

Permit Conditions:

General Conditions:

1. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places. Any activity which may affect Historic properties listed, or eligible for listing, in the National Register of Historic Places is not authorized until the Sacramento District has complied with the provisions of 33 CFR 325, appendix C.
2. Any activity authorized or agreed to under this permit shall not jeopardize a listed species as identified under the Endangered Species Act, or destroy or adversely modify the critical habitat of such species.
3. You must maintain the activity authorized by this permit in good condition and in conformance with the terms of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
4. If you sell the property associated with this permit, you must give written notice to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Special Conditions:**

1. That all work shall be confined to those areas located within existing dikes at on-going solar evaporation facilities.
2. That no dredged or fill material will be placed in areas containing wetland vegetation.
3. That no areas containing wetland vegetation will be isolated or destroyed by work performed under this general permit.
4. That no wetlands or other waters of the United States will be affected landward of existing dikes.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity above pursuant to:

- ( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
- (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
- ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization:

- a. This permit does not obviate the need to obtain Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal projects.

3. Limits of Federal liability. In issuing this permit, The Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant.

Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Issued for and in behalf of Colonel Michael J. Walsh, District Engineer.

---

Art Champ, Chief, Regulatory Section

(Date)